



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 13 1982

THE ADMINISTRATOR

Honorable William Winter
Governor of Mississippi
Jackson, Mississippi 39201

Dear Governor:

It is with great pleasure that I am today approving the State of Mississippi NPDES Pretreatment Program.

Your State is the twelfth to request and receive approval for administration of this important program. I congratulate you and your staff for moving so promptly. The transfer of programs such as this to State management is, as you know, a major thrust of President Reagan's domestic policy.

We look forward to working with you and the Department of Natural Resources in continued efforts toward the prevention and control of water pollution in the State of Mississippi.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Anne M. Gorsuch".

Anne M. Gorsuch

Enclosure

cc: Charles H. Chisolm, Director
Bureau of Pollution Control
Department of Natural Resources

Charles R. Jeter
Regional Administrator
Region IV

temporary tolerances to permit the continued marketing of the raw agricultural commodities named above as treated in accordance with the provisions of experimental use permit (524-EUP-30), which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire April 23, 1983. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981, (46 FR 24950).

408(j), 68 Stat. 516, (21 U.S.C. 346a(j))

Dated: May 10, 1982.

Douglas D. Camp, Jr.
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 82-13553 Filed 5-18-82; 8:45 am]

BILLING CODE 6560-50-M

[A-1-FRL-2127-1]

Delegation of Authority to the State of New Hampshire for Prevention of Significant Deterioration (PSD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Informational notice.

SUMMARY: EPA Region I has delegated authority for the Administrative and Technical portions of the Prevention of Significant Deterioration (PSD) program to the State of New Hampshire Air Resources Agency (ARA) under 40 CFR 52.21. The New Hampshire ARA will receive, conduct technical review, and process the PSD applications; however, issuance of final PSD permits, as well as enforcement of these permits, will continue to be performed by EPA.

EFFECTIVE DATE: March 18, 1982.

ADDRESS: Copies of the State request for delegation and State/EPA Agreement for delegation of authority are available for public inspection at the Air Branch, Environmental Protection Agency, Region I, J. F. Kennedy Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Arnold Leriche, Air Branch, Environmental Protection Agency, Region I, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, 617/223-4448.

SUPPLEMENTARY INFORMATION: On August 31, 1981, Governor Gallen of New Hampshire submitted to EPA Region I a request for EPA to delegate to the New Hampshire ARA the responsibility for the administrative and technical review authority of sources under EPA's PSD regulations. After a thorough review of their request the Regional Office determined that the State's procedures for this portion of the PSD program are adequate and effective. Thus, on March 18, 1982 the Regional Administrator delegated authority for the technical and administrative review portion of the Federal PSD program to the State of New Hampshire. The conditions of the delegation are delineated in the Regional Administrator's letter to the State dated March 18, 1982.

Effective immediately, all applications and other information pursuant to 40 CFR 52.21 for sources locating in the State of New Hampshire should be sent

directly to the State agency at the following address: Air Resources Agency, State Laboratory Building, Hazen Drive, Concord, New Hampshire 03301.

Dated: May 6, 1982.

Lester A. Sutton,
Regional Administrator.

[FR Doc. 82-13553 Filed 5-18-82; 8:45 am]

BILLING CODE 6560-50-M

[WH-FRL 2116-5]

Mississippi Pretreatment Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the national pollutant discharge elimination system pretreatment program of the State of Mississippi.

SUMMARY: On May 13, 1982, the Environmental Protection Agency approved the State of Mississippi's National Pollutant Discharge Elimination System State Pretreatment Program. This action authorizes the State of Mississippi to administer the National Pretreatment Program as it applies to municipalities and industries within the State.

FOR FURTHER INFORMATION CONTACT: George E. Young, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-426-4793.

SUPPLEMENTARY INFORMATION:

Background

The Pretreatment Program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs). The objectives of the Pretreatment Program are to: (1) Prevent introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge; (2) prevent the introduction of pollutants into POTWs which will pass through treatment works or otherwise be incompatible with such works; (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. Local pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements

and procedures of the General Pretreatment Regulation (40 CFR Part 403).

Federal Register Notice of Approval of State NPDES Programs or Modifications

Under the Consolidated Permit Regulations (45 FR 33290, May 19, 1980), EPA will provide Federal Register notice of any action by the Agency approving or modifying a State NPDES program.

Review Under Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Pursuant to Section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), I certify that this State Pretreatment Program Approval will not have a significant impact on a substantial number of small entities. Approval of the Mississippi NPDES State Pretreatment Program establishes no new substantive requirements, but merely transfers responsibility for administration of the program from EPA to the State.

Dated: May 13, 1982.

Anne M. Gorsuch,
Administrator.

[FR Doc. 82-13552 Filed 5-18-82; 8:45 am]
BILLING CODE 6560-50-M

[AAA-FRL-2124-5]

Performance Review Board; Addition of Members

AGENCY: Environmental Protection Agency.

ACTION: Notice of addition of members to the performance review board.

SUMMARY: This Notice announces the appointment by the Administrator of the Environmental Protection Agency of two members and an executive secretary to the Agency's Performance Review Board as provided for in 5 U.S.C. 4314. The appointments announced in this Notice are in addition to the appointments of eleven members published in the Federal Register of December 22, 1981.

The purpose of the Performance Review Board is to review initial senior executive appraisals and to make recommendations to the Administrator concerning performance of senior executives in the Agency and performance awards.

ADDRESSES: The names, titles, and addresses of the individuals now appointed to the EPA Performance Review Board are as follows:

1. Dr. Roger S. Cortesi, Deputy Director, Office of Health Research, Office of Research and Development, Environmental Protection Agency, Washington, D.C. 20460.

2. Mr. William A. Whittington, Director, Facility Requirements Division, Office of Water, Environmental Protection Agency, Washington, D.C. 20460.

3. Mr. Clarence Hardy, Director, Personnel Management Division, Office of Administration, Environmental Protection Agency, Washington, D.C. 20460 (Executive Secretary, PRB).

FOR FURTHER INFORMATION CONTACT: Persons desiring any further information about the Environmental Protection Agency Performance Review Board may contact Mr. Clarence Hardy, Director, Personnel Management Division, Environmental Protection Agency, Washington, D.C. 20460; telephone (202) 382-3300.

Anne M. Gorsuch,
Administrator.

May 17, 1982.
[FR Doc. 82-13551 Filed 5-18-82; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-RED-7-NE-1]

Nebraska Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensees and state and local government's radiological emergency response plans. Since FEMA has a responsibility for reviewing the state and local government plans, the State of Nebraska has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Nebraska, and include those local of governments near the Omaha Public Power District, Fort Calhoun Nuclear Station located in Washington County, Nebraska.

Date plans received: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick J. Breheny, Regional Director, FEMA Region VII, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374-5912.

NOTICE: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule

describing its procedures for review and approval of state and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," the "Nebraska Radiological Emergency Response Plan for Nuclear Power Plant Incidents" was received by the Federal Emergency Management Agency Region VII Office.

Included are plans for local governments which are wholly or partially within the emergency planning zones of the Fort Calhoun Station. Plans are included for Sarpy, Washington, Douglas and Dodge Counties.

Copies of the Plan are available for review at the FEMA Region VII Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 888 pages in the document; reproduction fees are \$.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Patrick J. Breheny, Regional Director, at the above address on or before June 17, 1982.

Dated: May 8, 1982.

Patrick J. Breheny,
Regional Director, FEMA Region VII.

[FR Doc. 82-13504 Filed 5-18-82; 8:45 am]
BILLING CODE 6718-01-M

[FEMA-658-DR]

North Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA-658-DR), dated May 11, 1982, and related determinations.

DATED: May 11, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (86 Stat. 143); notice is



MISSISSIPPI DEPARTMENT OF NATURAL RESOURCES
Bureau of Pollution Control
P. O. Box 10385
Jackson, Mississippi 39209
(601) 961-5171



January 25, 1982

Mr. Charles Jeter, Regional Administrator
Environmental Protection Agency
345 Courtland Street, N. E.
Atlanta, Georgia 30365

Dear Mr. Jeter: *Charles*

Recently we conducted a public hearing on regulation changes needed for the State to assume the Federal Pretreatment Program in Mississippi. During the hearing substantial concern was voiced about the prudence of the State adopting pretreatment standards at the time that EPA is reevaluating the concept of the national pretreatment program. While discussing the Tunica problem with Mr. Bruce Barrett, I mentioned this issue and he suggested that I write you for guidance.

Mr. Traina, of your staff, is also familiar with this problem.

Upon receipt of your guidance, we will act on this matter.

Very truly yours,

Charles

Charles H. Chisolm
Bureau Director

CHC:hdb

cc: Mr. Bruce Barrett
Mr. Paul Traina

4WM-WP

FEB - 8 1982

Mr. Charles H. Chisolm
Director, Bureau of Pollution Control
Mississippi Department of Natural Resources
P. O. Box 10385
Jackson, Mississippi 39209

Re: Pretreatment Delegation to Mississippi

Dear Mr. Chisolm:

Your letter dated January 25, 1982, regarding pretreatment program delegation has been received, and I appreciate your concern in deciding whether or not to proceed with seeking approval at this time. I hope the following status report for Region IV's activities involving pretreatment and the discussion of your particular program will persuade you that the delegation process should be continued.

One of my priority items for Region IV this year is the delegation of certain programs to the individual States. I am especially interested in seeing that States with partial NPDES authority, such as Mississippi, continue to be delegated the remaining functions.

So far Region IV has been successful in getting the pretreatment portion of NPDES delegated to Alabama and Georgia. We had also submitted the pretreatment proposals from Mississippi and South Carolina over a year ago to Washington for their concurrence and final delegation. Just last week, we submitted the program for North Carolina and are now preparing Tennessee's program for submittal by March 1, 1982. I would like to see all the state programs approved by early April of this year.

The delay in Washington regarding approval of Mississippi's program has been caused by their concern with one aspect of your regulations which seemed to exempt indirect dischargers from needing permits of any kind. Your proposed pretreatment program depends on issuing state permits to those indirect dischargers which need to be regulated. I understand that the proposed amendments to your regulation would correct this problem and enable you to secure delegation of several Federal programs including pretreatment.

I do not know what final direction the federal pretreatment program will take, but I am confident that your proposed program will not penalize Mississippi in any way. The flexibility of issuing permits to those indirect dischargers which adversely affect their POTW's or which are covered by National Categorical Pretreatment Standards will keep your program competitive with any other State

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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in the country. If no more categorical standards should happen to be promulgated, then you would be free to regulate based on your own assessment of the effects of the indirect discharge on the POTW operation or on the receiving stream.

I hope that the information concerning our progress and plans for all our delegated States and the inherent flexibility of your proposed plan will convince you to proceed with securing delegation of the pretreatment program immediately.

To obtain Washington's final approval of your proposed pretreatment program, I only need the following items:

- 1) Date of amendment of your regulation
- 2) Copy of amended regulation
- 3) Your instructions to proceed with delegation

Please let me know how soon you can provide the information requested. If you have any additional comments or questions concerning this matter, please contact Mr. Paul J. Traina immediately.

Sincerely yours,

/s/ Charles R. Jeter
Regional Administrator

Charles R. Jeter
Regional Administrator

ym
JMAULDING:as:2328:2/2/82

CONCURRENCES							
BOL	4WM-WP	4WM-WP	4WM-WP	4WM	4A		
SURNAME	MAULDING	CLOWARD	PATRICK	TRAINA	LITTLE	M. Newton	
DATE	2-2-82	2/2	2/2	2/2	2/2	2/2	



MISSISSIPPI DEPARTMENT OF NATURAL RESOURCES
Bureau of Pollution Control
P. O. Box 10385
Jackson, Mississippi 39209
(601) 961-5171



February 24, 1982

Mr. Charles R. Jeter,
Regional Administrator
Environmental Protection Agency
Region IV
345 Courtland Street, N. E.
Atlanta, Georgia 30365

Dear Mr. Jeter: *Charles*

For several years now the State of Mississippi has been seeking approval to operate the federal pretreatment program. Our initial program description and submittal was made on March 27, 1979, following an earlier assessment of the State's existing authority, procedures and resources to implement the program which was submitted to the Environmental Protection Agency on October 9, 1978.

This submittal underwent extensive EPA review for program adequacy, and on December 8, 1980, the State was notified that inadequate civil and criminal penalties was the only item preventing EPA from granting full approval to the State program. Later it was pointed out that State permit regulations which exempted indirect dischargers from needing a permit would need to be modified before program approval could be given. Enclosed is a copy of the amended State statute, Section 49-17-43 of the Mississippi Code, and the recently amended permit regulations (amendments regarding pretreatment have been made in Sections 1, 2, 4, and 20). The regulations were formally amended on February 11, 1982. Additionally, please note that Mr. Ronald Allen of your staff and Mr. Bill Barnett of my staff have resolved the comments in the December 28, 1981 letter from EPA. Resolution of each is listed in the order of the comments in the EPA letter.

1. EPA agreed that this language need not be in the permit regulations.
2. EPA agreed that this comment would be resolved if the State would cite the specific Mississippi statute giving us this authority. Citations include Section 49-17-17(i), 49-17-28, 49-17-29(2)(b), and 49-17-29(3)(c). See page 2 of EPA memo dated December 4, 1978, for concurrence.
3. This comment has been resolved by adding the term "including indirect discharges" in Section 23(a).
4. EPA agreed to drop this comment since 40 CFR 403.8 applied to POTW program approval. However, regarding the last sentence of this comment, it was agreed that Mississippi does have adequate authority under Section 308 of the Clean Water Act (see Section 49-17-21 of the Mississippi Code).

Mr. Charles R. Jeter
February 24, 1982
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We believe that the State of Mississippi has now completed all of the necessary modifications to its statutes, regulations, and programs necessary to receive full delegation of the pretreatment program. The assistance of you and your staff is appreciated.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles".

Charles H. Chisolm
Bureau Director

CHC:BB:hdb
Enclosures

